



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jitao Zou, Ph.D. et al.

Serial No.: 09/623,514

Filed: March 29, 2001

For: DIACYLGLYCEROL
ACYLTRANSFERASE GENE FROM
PLANTS

Confirmation No.: 8673

Examiner: S. Baum, Ph.D.

Group Art Unit: 1638

Attorney Docket No.: 3015-5684US

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TECH CENTER 1600/2900

DECLARATION UNDER 37 C.F.R. §§ 1.801-1.809

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Pat Mortimer, hereby certify that I am the Secretary General of the National Research Council of Canada, and declare that:

I am informed and believe that the National Research Council of Canada is the assignee of U.S. Patent Application serial no. 09/623,514.

Serial No. 09/623,514

I am informed and believe that on November 29, 1999, the National Research Council of Canada made deposits of the following constructs:

a plasmid pDGATcDNA having accession number ATCC PTA-989; and

a plasmid pDGATgene having accession number ATCC PTA-988;

under the provisions of the Budapest Treaty with the American Type Culture Collection (ATCC) of 10801 University Boulevard, Manassas, Virginia, 20110-2209, U.S.A., an International Depository Authority, in accordance with the Budapest Treaty.

On behalf of the National Research Council of Canada, I state that all restrictions upon public access to the deposit (except those permitted by 37 C.F.R. § 1.808(b)) will be irrevocably removed upon the grant of a U.S. patent on this U.S. patent application, and the deposit will be replaced if viable samples cannot be dispensed by the depository.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the patent.

NATIONAL RESEARCH COUNCIL OF CANADA

Date: 22 Sept 2003 Signed: _____

Name: Pat Mortimer

Title: Secretary General